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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 000724

SIPDIS

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TAGS: [PGOV](#) [KDEM](#) [PHUM](#) [PREL](#) [AJ](#)

SUBJECT: VIOLATIONS WITNESSED IN FIRST HEARING FOR JAILED BLOGGERS

REF: BAKU 644 AND PREVIOUS

Classified By: Political-Economic Counselor Robert Garverick, Reasons 1 .4 b and d.

¶1. (C) Summary: A pre-trial procedural hearing was held on September 4 in the case of jailed youth activists and bloggers Emin Milli and Adnan Hajizade (reftels). Embassy officials were able to observe the hearing, unlike earlier hearings in this case, but many people, including officials from other embassies, were barred once all the seats in the courtroom were taken. Several violations of due process took place during the hearing, and the judge denied eight of the nine motions put forward by the defense. The trial will begin on September 16 and seems unlikely to be held in accordance with international standards, indicating that the two men are likely to be convicted. End Summary.

¶2. (C) On September 4 the Sabail District Court held a pre-trial hearing on the case of youth activists and bloggers Emin Milli and Adnan Hajizade (reftels). Embassy officials observed the hearing, unlike all previous hearings which were closed to the public. However, close to 100 officials from other embassies and international organizations, media representatives and others were barred from entry to the court room once the 50 seats were filled. The accused men were brought to the hearing in handcuffs, surrounded by six guards, and kept inside a cage during the proceeding. The men appeared in good spirits, smiling and giving the thumbs-up sign, while their parents, who had been kept from seeing their sons during their two months of pre-trial detention, were visibly distraught. When prohibited by guards from approaching her son inside the cage, Mr. Milli's mother stood 15 feet away blowing him kisses and weeping.

¶3. (C) Judge Araz Huseynov began the hearing by announcing the charges against the two young men -- article 127.2.3 (deliberate causing of minor injuries to health with the aim of hooliganism) and article 221.2.1 (hooliganism committed by a group). The accused and the alleged victims then introduced themselves. One of the alleged victims is an IDP from occupied Agdam and the other is 19 years old \* both seemed to enjoy the media attention, giving extensive comments to the press.

¶4. (C) Hajizade and Milli's lawyers, Isakhan Ashurov and Elton Guliyev, submitted nine motions to the court, each of which was presented by both lawyers, then argued against by the state prosecutor and a lawyer representing the alleged victims. Ashurov and Guliyev asked for, among other requests, a bigger room for the trial so that observers could

participate, allowing the Institute for Reporters' Freedom and Safety (IRFS) to record the trial, release of the accused pending trial, additional evidence to be submitted to the court, and several motions pertaining to the violations of the men's rights when they were first detained. The lawyer for the alleged victims motioned for the trial to be closed to the public, alleging that the two bloggers will reveal "state secrets" during the trial. This motion was received without outright laughter by many in the courtroom, including a smirk from the judge himself and an immediate dismissal. The judge also immediately dismissed the motion to remove the men from pre-trial detention, despite a legal requirement for time for deliberation.

15. (C) The judge then took a recess to deliberate on the motions. During the break, the accused men were kept in the cage surrounded by guards, but could talk through the cage to friends and family. Milli explained to poloff that he is using the time in jail to study for the GRE, and asked for books saying, "If I'm going to be in here five years, I need something to do!" After one hour the judge returned and swiftly read his decision on all of the motions. All the motions were denied, save allowing IRFS to record the trial using court-provided equipment. The judge announced that the trial would begin in the same courtroom on September 16. As the judge rushed to exit the room, Hajizade appealed from the cage for time to speak with his parents. The judge gave the accused men five minutes to speak with their families before returning to custody.

COMMENT

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16. (C) Despite assurances from President Aliyev and other high-ranking GOAJ officials that they are working to find a solution for this case (reftels), there was no indication in the court room that this trial will be conducted fairly and in accordance with international standards. Illustrative was the judge's quickness to rule on motions immediately rather than after deliberation. Laughing, he told the defense lawyers it was their fault for provoking him to violate the legal standards. In addition, the judge's refusal to allow important evidence requested by the defense -- including testimony from several witnesses, security camera footage, and cell phone data -- is troubling. The proceeding had the feeling of a political farce, with the lawyers, court bailiffs, and even the judge playacting a trial when all know what the outcome will be. If the trial continues in a similar manner -- and barring some sort of intervention on the political level -- conviction is likely and the two high-profile youth leaders may be facing up to two to five years in prison.

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